

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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State of Minnesota,  
by Michael Campion, its  
Commissioner of Public Safety,

File No 08-CV-603 (DWF/AJB)

Plaintiff,

**AFFIDAVIT OF  
MARK LANTERMAN**

v

CMI of Kentucky, Inc ,  
a Kentucky corporation,

Defendant

and

Minnesota Society for Criminal Justice  
on behalf of those Authorized Minnesota  
Litigants within the Source Code Coalition.

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STATE OF MINNESOTA        )  
                                      ) ss.  
COUNTY OF HENNEPIN        )

Mark Lanterman, being first duly sworn, states as follows:

1. I am currently employed by Computer Forensic Services, Inc. (CFS)  
located at 601 Carlson Parkway, Suite 630, Minnetonka, MN. I am the  
Chief Technology Officer. My curriculum vitae is attached
2. CFS has been retained by the Minnesota Society for Criminal Justice to  
review, analyze and test the source code for the Intoxilyzer 5000EN.



3. CFS has assisted the Source Code Coalition through negotiations that have been ongoing since November 2009 relating to the access and handling of source code information and materials. I believe the Coalition and CMI have reached an understanding and agreement regarding paragraphs 1-23 of a document described as "Confidential Letter of Understanding Regarding Access to and Handling of CMI's Proprietary Source Code, Information and Materials." The parties remain in dispute as to some of the other materials the Coalition is requesting from CMI.
4. In order to complete a meaningful review of the source code at CMI, Inc.'s facility in Kentucky I need access to the information set forth in the attachment to this Affidavit.
5. In brief summary, I need this information because the Intoxilyzer 5000EN is a complex, embedded device. Essentially, a marriage of hardware and software. Each half is worthless without the other. Therefore, I require access to both the Intoxilyzer 5000EN software and hardware as well as all supporting documentation describing how these components interact. Without the information set forth in this attachment, any attempt to analyze the source code of this device would be incomplete and potentially inconclusive.

FURTHER AFFIANT SAYETH NOT

  
\_\_\_\_\_  
MARK LANTERMAN

Subscribed and sworn before me  
this 18<sup>th</sup> day of February, 2010.

  
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Notary Public

